



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,394	06/30/2000	Hannu Nieminen	4925-53	9490

7590

07/02/2003

Edward M Weisz Esq  
Cohen Pontani Lieberman & Pavane  
551 Fifth Avenue  
Suite 1210  
New York, NY 10176

EXAMINER

JACOBS, LASHONDA T

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,394

Applicant(s)

NIEMINEN ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 12, 14-16, 18-27, 29, 31-32, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Silverman et al (hereinafter, "Silverman", US 2002/0110228).

As per claims 1 and 19, Silverman discloses a method and a network for controlling appliances within a local environment containing a local controller and a local server, each appliance being controllable by a corresponding appliance control module, comprising the steps of:

- obtaining an appliance control module for each appliance (par. 0021-0023);
- installing on the local server, the obtained appliance control modules (par. 0021-0023);
- providing communication between the local server and the appliances (par. 0021-0023); and
- accessing the local server with the local controller to select one of the installed control modules for controlling the corresponding appliance (par. 0021-0023).

As per claims **2** and **20**, Silverman discloses:

- wherein each appliance has a memory-stored address for providing a location of the corresponding appliance control module, said method further comprising the steps of transmitting the memory-stored address from the appliance to the local controller, and accessing a remote location using the transmitted address to locate the corresponding appliance control module (par. 0021-0023).

As per claims **3** and **21**, Silverman discloses:

- wherein the local controller, local server and each appliance contains a wireless transceiver, and wherein said step of transmitting comprises said step of wireless transmitting (par. 0021-0025).

As per claims **4** and **22**, Silverman discloses:

- wherein the memory-stored address is a URL Internet address (at least implicitly) (par. 0012-0013, and par. 0021-024).

As per claims **5** and **23**, Silverman discloses:

- wherein said accessing step comprises the step of connecting to the Internet using the URL to locate the appliance control module (at least implicitly) (par. 0012-0013, and par. 0021-024).

As per claims **6** and **24**, Silverman discloses:

- wherein the local controller and the local server comprise an integrally formed wireless communications device (par. 0021-0025).

As per claims **7** and **25**, Silverman discloses:

- wherein said wireless communications device comprises one of a mobile phone and a personal digital assistant (par. 0021, and par. 0027).

As per claims **8** and **26**, Silverman discloses:

- wherein the local controller comprises one of a mobile phone and a personal digital assistant (par. 0021, and par. 0027).

As per claims **9** and **27**, Silverman discloses:

- wherein said local server comprises a personal computer (par. 0012).

As per claims **12** and **29**, Silverman discloses:

- wherein the step of accessing further comprises providing a select user with access to the appliances based on a user identifier (par. 0021-0024).

As per claims **14** and **31**, Silverman discloses:

- wherein the local server is a personal computer and wherein said step of providing a user with access further comprises using a personal computer password as the user identifier (at least implicitly) (par. 0012).

As per claims **15** and **32**, Silverman discloses:

- wherein said step of transferring comprises the step of accessing the remote location comprises transferring the located appliance control module to the local controller and then transferring the appliance control module from the local controller to the local server (par. 0021-0024).

As per claim **16**, Silverman further discloses

- the step of accessing the local server with the local controller to control a select appliance with a corresponding appliance control module (par. 0021-0024).

As per claims **18** and **34**, Silverman further discloses:

- the steps of using the local controller to grant a second device authority for accessing the local server (par. 0021-0024).

As per claim 35, Silverman discloses a network for controlling an appliance contained within a local environment, the appliance being controllable by a corresponding appliance control module and having a memory-stored address for providing a location of the corresponding appliance control module, comprising:

- a local controller having a wireless transceiver for communicating with the appliance and for receiving the memory-stored address from the appliance, the memory-stored address being used to locate the appliance control module (par. 0021-0024); and
- a local server in communication with said local controller for receiving and storing the located appliance control module (par. 0012, and par. 0021-0024).

As per claim 36, Silverman discloses:

- wherein the memory-stored address corresponds to a location on a global computer network and wherein at least one of said local controller and local server is capable of communicating with said global computer network (par. 0012, and par. 0021-0024).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **13, 17, 30, 33, and 37-39** rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman in view of Song.

Silverman discloses the invention substantially as claimed including method and a network for controlling appliances within a local environment containing a local controller and a local server, each appliance being controllable by a corresponding appliance control module.

As per claims **13** and **30**, Silverman does not explicitly disclose:

- wherein the local controller is a mobile phone and wherein said step of providing a user with access further comprises using a SIM and PIN associated with the phone as the user identifier.

However, Song discloses:

- wherein the local controller is a mobile phone and wherein said step of providing a user with access further comprises using a SIM and PIN associated with the phone as the user identifier (col. 2, lines 34-46, and col. 3, lines 15-27).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Silverman and Song to incorporate to use a SIM and Pin with the phone as the user identifier in Silverman allowing the user to access information on the network securely in order to protect the information from unauthorized users.

As per claim **17**, Silverman does not explicitly disclose:

- wherein the local controller comprises a mobile phone and wherein said accessing step comprises the step of selecting a command on the mobile phone to control a select appliance.

However, Song discloses:

- wherein the local controller comprises a mobile phone and wherein said accessing step comprises the step of selecting a command on the mobile phone to control a select appliance (abstract, col. 2, lines 34-59, and col. 3, lines 1-27).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Silverman and Song to incorporate the step of selecting a command on the mobile phone to control a select appliance in Silverman to enable the user to turn on/off appliances in order to ensure safety at home.

As per claim 33, Silverman does not explicitly disclose:

- wherein the local controller comprises a mobile phone and wherein said means for accessing comprises entering a menu selection on the mobile phone.

However, Song discloses:

- wherein the local controller comprises a mobile phone and wherein said means for accessing comprises entering a menu selection on the mobile phone (abstract, col. 2, lines 34-59, and col. 3, lines 1-27).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Silverman and Song to incorporate the step of entering a menu selection on the phone to access to select an appliance in Silverman to enable the user to turn on/off appliances in order to ensure safety at home.

As per claim 37, Silverman does not explicitly disclose:

- wherein said local controller is a mobile phone .

However, Song discloses:

- wherein said local controller is a mobile phone (abstract, col. 2, lines 34-59, and col. 3, lines 1-27).



Therefore, it would have been obvious to one of ordinary skill in the art to modify Silverman by specifying the cordless telephone/remote control as a mobile telephone/remote controls to enable the user to turn on/off appliances in order to ensure safety at home.

As per claim **38**, Silverman does not explicitly disclose discloses:

- wherein said local controller is a mobile phone.

However, Song discloses:

- wherein said local controller is a mobile phone (abstract, col. 2, lines 34-59, and col. 3, lines 1-27).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Silverman by specifying the cordless telephone/remote control as a mobile telephone/remote controls to enable the user to turn on/off appliances in order to ensure safety at home.

As per claim **39**, Silverman does not explicitly disclose discloses:

- wherein said mobile phone is used to access the global computer network to locate the appliance control module and to transmit the appliance control module to said local server.

However, Song discloses:

- wherein said mobile phone is used to access the global computer network to locate the appliance control module and to transmit the appliance control module to said local server (abstract, col. 2, lines 34-59, and col. 3, lines 1-27).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Silverman and Song to incorporate the step of locating the appliance

control module by using the mobile phone to access the global computer network in Silverman to enable the user to turn on/off appliances in order to ensure safety at home.

5. Claims **10**, **11**, **28**, and **40** rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman in view of Song and in further view of Atkinson et al (hereinafter "Atkinson" US 2002/001239).

Silverman in view of Song disclose the invention substantially as claimed including method and a network for controlling appliances within a local environment containing a local controller and a local server, each appliance being controllable by a corresponding appliance control module.

As per claims **10**, **11**, and **28**, Silverman in view of Song does not explicitly disclose:

- wherein the appliances, local server, and local controller are capable of wirelessly communicating with each other using Bluetooth transceivers.

However, Atkinson discloses executing software instructions and/or operations on information transferred between wireless and/or wired devices comprising:

- wherein the appliances, local server, and local controller are capable of wirelessly communicating with each other using Bluetooth transceivers (par. 0003, par. 0006-0015).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Silverman, Song and Atkinson to incorporate the Bluetooth transceivers for wirelessly communicating between the appliances, server and controller allowing the devices to communicate within a short-range in order to transmit information efficiently.

As per claim **40**, Silverman in view of Song does not explicitly disclose:

- wherein said mobile phone, said local server and the appliance comprise

Bluetooth transceivers for permitting wireless communication therebetween.

However, Atkinson discloses executing software instructions and/or operations on information transferred between wireless and/or wired devices comprising:

- wherein said mobile phone, said local server and the appliance comprise

Bluetooth transceivers for permitting wireless communication therebetween (par. 0003, par. 0006-0015).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Silverman, Song and Atkinson to incorporate the Bluetooth transceivers for wirelessly communicating between the appliances, server and controller allowing the devices to communicate within a short-range in order to transmit information efficiently.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
June 27, 2003



**ARIO ETIENNE**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100